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2022125006

United States court of Washington

Ronald Keith Middlebrooks Jr.	#	23-cv-5314-JNW-MLP
Plaintiff		FIO.01-1 complaint in an
VS		action to enjoin enforcement
		of prison Regulations
Pierce County Judicial System		Restricting Attorney-client
Defense		conferences & alleging civil
		rights violations

1. Subject matter Jurisdiction is conferred upon this court by the provision of 28 U.S.C. § 1343 & 1331

2. Here provided is an affidavit of the allegations & the case law to support the reason & report of violation



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(Affidavit)

It is said that the omnibus hearing is a procedural right & not a constitutional one

but because the omnibus hearing effect multiple constitutional liberties citing omnibus rule 4.5

(i) ensure the standards regarding provision of counsel have been complied with

and that standard is (effective counsel)
& amendment § 14 amendment

as well as omnibus 4.5

(iv) as certain, whether there are any (procedural) or (constitutional) issues which should be considered

and if procedural issues effect constitutional terms, citing

Arnett v Kennedy 416 US 314

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The view misconceives the origin of the right to procedural due process (The right is conferred not by legislative grace, but by constitutional guarantee) while the legislature may elect not to confer a property (or liberty interest) once conferred with appropriate procedural safe guards cases have consistently recognized the adequacy of statutory created property (or liberty interest) must be analyzed by constitutional terms.

Not evid terms or the interpretation of procedural safeties established by the court but by constitutional terms, simply because the County feels that they have emplemented safeguards that do not diminish constitutional law citing Logan v Zimmerman Brash CO 455

HN3 Because minimum procedural requirements are a matter of federal law they are not diminished by the fact that state may have specified its own procedures that it may deem adequate for determining the preconditions to oversee official action

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as well as Rose v Village of peninsula
839 F Supp 517

HN7

One of the rights in a substantive components
of the fourteenth amendment guarantees of due
process of law is the Freedom From physical
restraint Reno v Flores 123 L ed 2d 1. 16

and because were being restrained to Attend the
omnibus hearing that the very language demand
presence of defense to voice on record a
opportunity to contest or object to the waiver
in procedural system in pierce county is
trully citing omnibus rule 4.5

(F) Record A. Verbatim record (electronic
mechanical or otherwise) shall be made of all
proceeding at the hearing

The right to fair trial, the right to effective
counsel, the right to speedy trial, The
substantive value of procedural

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Due process the constitutional rights the
omnibus hearing by very definition demands
defendents presence



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omnibus - covering all important points

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important - having great meaning or
lasting effect

hearing - an opportunity to be heard, on
appearance before a judge

In Holden v Hardy 169 US 366 389

The necessity of due notice & an opportunity
of being heard is described as among the immutable
principles of justice which in here in the
very idea of free government which (no
member of the union may disregard) and
Mr. Justice field in an earlier case Galpin
V Page 18 wall 350 368-369 said that
the rule that no one shall be personally bound
until he has had his day in court was as
old as the law, & it meant that he (must be
cited to appear & afforded an opportunity to
be heard) judgement.

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and because motions are heard & submitted at an omnibus hearing & those decisions are binding in a trial citing

9.06 Washington Criminal Law

The rule expressly states that failure to raise or give notice of an issue of which the party concerned has knowledge may constitute waiver of such error or issue

and these include procedural issues & constitutional ones as cited above in omnibus rule that effect our right to a fair trial in the substantive component to fundamental fairness citing *Rose v Village of peninsula* 889 F Supp 517

HNF acknowledging the existence of a fundamental Freedom from physical restraint in a substantive due process inquiry. This Freedom is central to the 14 amendments intent to prevent government from abusing its power or employing it as an instrument of oppression *Davidson v Cannon* 474 US 344

without such citation & opportunity wants
all the attributes of a judicial determination,
It is judicial usurpation & appresion &
can never be upheld where justice is
justly administered

in clasing whether if covid educated ability
to comprehend law or desire to exercise liberty
right, fact is the constitutional covers these
& the absence of defense in a omnibus settings
that plainly adress procedural & Constitution
protects & violates the procedural rights to due
process in which substantive fairness is taken
for lack of better words Judicial murder
citing Holden v Hardy 169 US 366 389

let us suppose the extreme case of a prisoner
charged with a capital offense who is deaf &
dumb, illeterate & feeble minded unable to
employ counsel with the whole power of the
state arrayed against him (prosecuted by
counsel) for the state with out assignment
of counsel (*effective counsel*) for his
defense tried convicted sentenced

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to death such a result, which, if carried into execution would be little short of Judicial murder, it cannot be doubted would be a gross violation of the guarantee of due process of law & we venture to think that no appellate court, state or Federal would hesitate so to decide

There is no good reason for the violation of procedural due process which is federal law & violations of substantive fairness & constitutional right, even in the prime of covid to violate the right of simple presence & right to be heard when procedural safeguards such as

The acts of pierce county violated the eight amendment, fourteenth amendment due process clause, equal protection clause & sixth amendment right to effective counsel

The defendant is seeking 10 million in damages from beginning of covid till now


April 5, 2023
#2022125000



TACOMA WA 983
OLYMPIA WA
6 APR 2023 PM 3 L

Inmate Name Ronald Keith Middlebrooks Jr
Booking Number 2022165006
Pierce County Sheriff's Department
910 Tacoma Ave S
TACOMA WA 98402-2104

United States District Court
700 Stewart St Suite 2310
Seattle WA 98101



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BY

98101-444225



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